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APPLICATION NO.	FILING DATE .	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,774	05/21/2004	Mark Alan Etter	54525.000108	1103
21967 75	590 04/19/2006		EXAM	INER
	WILLIAMS LLP AL PROPERTY DEPA	RTMENT	FLORES SANG	CHEZ, OMAR
1900 K STREET, N.W.			ART UNIT	PAPER NUMBER
SUITE 1200			3724	
WASHINGTO	VASHINGTON, DC 20006-1109		DATE MAILED: 04/19/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.135(a). In no event, however, may a reply be timely filed after StV (6) MONTHS from the mailing date of this communication.  HO period for reply is specified above, the maximum statutory period will apply and will expire StX (6) MONTHS from the mailing date of this communication.  HO period for reply is specified above, the maximum statutory period will apply and will expire StX (6) MONTHS from the mailing date of this communication to become ABANDONED (35 U.S. ¢, § 133).  Any reply received by the Office later the brief of reply will, by statute, cause the application to become ABANDONED (35 U.S. ¢, § 133).  Any reply received by the Office later the brief of reply will, by statute, cause the application to become ABANDONED (35 U.S. ¢, § 133).  Any reply received by the Office later the product of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  It is action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Isposition of Claims  4) Claim(s) 1-14 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-14 is/are rejected.  7) Claim(s) is/are allowed.  6) Claim(s) 1-14 is/are rejected.  7) Claim(s) is/are objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(c).		Application No.	Applicant(s)	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CPR 1.36(a). In overent, however, may a reply be timely filed after SX (6) MONTHS from the mailing date of this communication.  **PNO period for reply is period above, the maximum statutory period will apply and will expire SX (6) MONTHS from the mailing date of this communication.  **PNO period for reply is applicate above, the maximum statutory period will apply and will expire SX (6) MONTHS from the mailing date of this communication.  **PNO period for reply is applicated above, the maximum statutory period will apply and will expire SX (6) MONTHS from the mailing date of this communication, even if timely filed, may reduce any samed patent term edulustment. See 37 CFR 1.794(b).  **Status**  1) Responsive to communication(s) filed on	Office Action Summer.	10/849,774	ETTER ET AL.	
Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extractions of time may be available without the provisions of 37 CFR 1.736(a). In no event, however, may a reply be timely filed  If NO period for reply is specified above, the maximum statutory period will apply and will expire 31(6) MONTHS from the melling date of this communication.  If NO period for reply is specified above, the maximum statutory period will apply and will expire 31(6) MONTHS from the melling date of this communication. Final to explore the period by the Examiner application to become ABANDONED (35 U.S.C. § 139). Any reply created by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any same application to specified above, the ments of the melling date of this communication, even if timely filed, may reduce any same patient term edjustment. See 37 CFR 1.704(b).  Status  1)	Office Action Summary	Examiner	Art Unit	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) OR THIRTY (30) DAYS WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after 51k (6) MONTHS from the menting date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and legyler SX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and legyler SX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and legyler SX (6) MONTHS from the mailing date of this communication to become ABANDONED (65 U.S.C. § 135).  - Any reply received by the Office later than three menths after the mailing date of this communication, even if timely filed, may reduce any same agreement patient term adjustment. See 37 CFR 1.704(b).  - Status  1)		1		
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.33(a). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is psecified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. If NO period for reply wills the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Diffice later than three menoths after the mailing date of this communication, even if timely filled, may reduce any examed patent term adjustment. See 37 CFR 1.704(b).  Status  1)	The MAILING DATE of this communicate Period for Reply	tion appears on the cover sheet wit	h the correspondence address	
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3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).				
application from the International Bureau (PCT Rule 17.2(a)).				
,			received in this National Stage	
See the attached detailed Onice action for a list of the certified copies not received.			a a a in a d	
·	See the attached detailed Office action to	r a list of the certified copies not re	eceived.	
	Attachment(s)			

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/21/05,12/14/05.

U.S. Patent and Trademark Office

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. \_\_\_\_\_.

6) Other: \_

5) Notice of Informal Patent Application (PTO-152)

## **DETAILED ACTION**

## · Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over House, II et al. (4,677,362) in view of Mineck (4,533,306).

House, II et al. discloses (Fig. 10) the invention substantially as claimed including:

- Claims 1 and 10; a clip 20.
- Claims 2-3; a clip can be mounted in two distinct position (Fig. 1-4).
- Claims 4-5, 9 and 11; the mounting positions are on a motor portions (Fig. 1 and 4).
- Claim 6; clip is adapted to suspend the device from a user's belt (see col. 3, lines 32-33).
- Claims 7 and 12-14; a first projection and a second projection (Fig. 2).
- Claim 8; clip is injection molded from plastic and unitary in construction (Fig. 2).

House, II et al. does not show a reciprocating saw. However, Mineck teaches a reciprocating saw 11 for the purpose of cutting studs. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of House, II et al. by providing the reciprocating saw as taught by Mineck in order to obtain device that cuts studs.

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Conclusion

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3. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507.

The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ofs

4/17/06

Allan N. Shoap

Supervisory Patent Examiner

**Group 3700**